

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANDRE D. BOYD, et al.,

Plaintiffs,

v.

TDCJ,

Defendant.

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Case No. 6:23-cv-12-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Raefel Garza, a Texas Department of Criminal Justice inmate proceeding pro se, along with twenty-four other plaintiffs, filed this pursuant to the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On January 10, 2023, Judge Love issued a deficiency order requiring each plaintiff to either individually pay the \$402 filing fee or submit an application to proceed *in forma pauperis* by February 16, 2023. Docket No. 2. In response, Plaintiff Garza filed a notice of voluntary dismissal indicating that he did not want to participate in this action and seeking dismissal of himself as a plaintiff. Docket No. 3. On March 15, 2023, Judge Love issued a Report recommending that the Court grant Plaintiff Garza’s request and dismiss him from this lawsuit pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Docket No. 34.


This Court reviews the findings and conclusions of the Magistrate Judge de

novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 34) as the findings of this Court. It is therefore **ORDERED** that Plaintiff Garza’s claims are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Plaintiff Raefel Garza is terminated as a plaintiff in this case.

Signed this
May 3, 2023


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE